

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
(BOSTON)**

Nancy Brooks and Joan Silverman, as
Trustees of the Irrevocable Trust of Donald L.
Silverman and as Executrices for the Estate of
Donald L. Silverman

Plaintiffs,

v.

AIG SunAmerica Life Assurance Company,

Defendant.

Civil Action No. 05-10994-WGY

PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

Because an MGLC 93A class claim can be certified under less stringent requirements than non-93A claims, the Class has been divided into two subclasses: the Rule 23 Subclass (all claims including the MGLC 93A claim to be certified under Fed. R. Civ. P. 23) and the 93A Subclass (alternatively, the MGLC 93A claim certified under MGLC 93A, §9). The Rule 23 Subclass consists of all persons (regardless of state of residence) who (1) purchased a life insurance policy from Mutual Benefit Life, (2) converted their policy to a common form policy during the rehabilitation of Mutual Benefit Life and (3) following that rehabilitation, had their policies assumed by SunAmerica. The 93A Subclass consists of all Massachusetts residents who (1) purchased a life insurance policy from Mutual Benefit Life, (2) converted their policy to a common form policy during the rehabilitation of Mutual Benefit Life and (3) following that rehabilitation, had their policies assumed by SunAmerica. Excluded from each

Subclass are any of Defendant's directors, officers, employees, agents, attorneys, successors and/or assigns.

This case meets all of the prerequisites for class certification which will "enable the litigation to go forward with maximum effectiveness from the viewpoint of judicial administration." *Yaffe v. Powers*, 454 F.2d 1362, 1367 (1st Cir. 1972). Accordingly, plaintiffs request that the Court **GRANT** their Motion for Class Certification and certify both the Rule 23 Subclass and the 93A Subclass under Rule 23(b)(2) and/or Rule 23(b)(3).

Respectfully submitted,

DATED: 14 December 2005

_____/s/_____
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CERTIFICATE OF SERVICE

I certify that on 14 December 2005, I caused a true copy of the foregoing document to be served electronically via the Court's electronic filing system on defense counsel.

John Peter Zavez

_____/s/_____
John Peter Zavez